

AMENDED IN ASSEMBLY MARCH 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1883**

---

**Introduced by Assembly Member Evans**

February 16, 2010

---

An act to add and repeal Section 103628.4 of the Health and Safety Code, and to add and repeal Section 18309.7 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1883, as amended, Evans. Certified copies of vital records: fees: domestic violence.

Existing law requires the collection of fees for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records.

Existing law authorizes the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to a certain maximum amount. Existing law, until January 1, 2011, authorizes the Solano County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law, until January 1, 2015, authorizes the Sonoma County Board of Supervisors, upon making certain findings and declarations, to authorize an increase in fees for certified copies of certain vital records, up to \$2. Existing law authorizes the above-described county boards of supervisors and that city council to make further increases in fees each year, as specified. Existing law

requires the fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill, until January 1, 2016, would authorize a county board of supervisors, upon making certain findings and declarations, to authorize an increase in fees of *up to* \$4 for certified copies of certain vital records. The bill would require that ~~\$2 one half~~ of the fee increase be allocated for purposes relating to domestic violence prevention, intervention, and prosecution and ~~\$2 the other half~~ of the fee increase be allocated for ~~nonshelter-based domestic violence programs that primarily focus on serving nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.~~

This bill, until January 1, 2016, notwithstanding the above-described authorization, would authorize the county boards of supervisors of Contra Costa County and Alameda County, and the City Council of the City of Berkeley, to authorize ~~a \$2 an~~ increase in fees of *up to* \$2 for certified copies of certain vital records. This bill, until January 1, 2011, notwithstanding the above-described authorization, would authorize the Solano County Board of Supervisors, to authorize ~~a \$2 an~~ increase in fees of *up to* \$2 for certified copies of certain vital records. This bill, until January 1, 2015, notwithstanding the above-described authorization, would authorize the Sonoma County Board of Supervisors, to authorize ~~a \$2 an~~ increase in fees of *up to* \$2 for certified copies of certain vital records. The bill would require proceeds from the above-described ~~\$2 fee increases to be allocated for nonshelter-based domestic violence programs that primarily focus on serving nonprofit, community-based organizations that serve domestic violence victims and their families, as specified.~~

This bill would provide that when the authorization for the ~~\$2 fee increase of up to \$2~~ ends for Solano County and Sonoma County on January 1, 2011, and January 1, 2015, respectively, the above-described provisions authorizing an increase in fees of *up to a maximum of* \$4 shall apply with respect to those counties.

This bill would require that, prior to using the fee proceeds, a county board of supervisors or the City Council of the City of Berkeley provide for public hearings and comment on the specific manner in which funds are to be used and confer with its local domestic violence shelter or shelters before determining the specific manner in which funds are to be used.

The bill would require a county board of supervisors or the City Council of the City of Berkeley to submit to the Assembly and Senate

Committees on Judiciary, by December 31, 2015, a report regarding the above fee increases, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) According to the 2005 California Women's Health Survey,*  
4     *in California, 9.2 percent of women live in homes where domestic*  
5     *violence abuse occurs and 40 percent of women experience*  
6     *domestic violence in their lifetimes. Domestic violence is ubiquitous*  
7     *and cuts across all economic and education levels and all age*  
8     *groups, ethnicities, and other social and community characteristics.*

9     *(b) According to 2006 statistics from the federal Bureau of*  
10    *Justice Statistics, in nearly half of violent crimes in which the*  
11    *victim and the aggressor are related, the aggressor is either the*  
12    *spouse or ex-spouse of the victim. Marriage license fees collected*  
13    *pursuant to this act will help communities intervene and prevent*  
14    *domestic violence when the aggressor is the spouse or ex-spouse*  
15    *of the victim.*

16    *(c) According to the National Woman Abuse Prevention Project*  
17    *in Washington, D.C., domestic violence puts children at risk.*  
18    *Children born into families where domestic violence occurs are*  
19    *physically abused or seriously neglected at a rate that is*  
20    *significantly higher than the national average in the general*  
21    *population. Birth certificate fees collected pursuant to this act will*  
22    *help communities with the cost of ensuring that children who are*  
23    *born into families with domestic violence receive the help they*  
24    *need.*

25    *(d) Studies show more than 10 percent of women are victims of*  
26    *domestic violence during pregnancy. According to a January 2009*  
27    *study published in The Lancet (a British medical journal), pregnant*  
28    *women who are assaulted by their spouses are 50 percent more*  
29    *likely to experience fetal loss, often repeatedly, than women who*  
30    *are not abused during pregnancy. Women who are battered during*  
31    *pregnancy are also more likely to die or have children who are*  
32    *born prematurely with low birth weights and intense medical needs.*  
33    *Fetal death certificate fees will help communities with what it costs*

1 to ensure that pregnant women with violent spouses receive help,  
2 protection, and care for their unborn children and infants.

3 (e) Domestic violence is a learned behavior and generational.  
4 Studies show that boys who witness family violence are 100 times  
5 more likely to batter their female partners and girls who witness  
6 their mother's abuse are more likely to be battered as adults.

7 (f) Domestic violence costs are high because, not only is there  
8 a toll on families emotionally and financially, but there are also  
9 direct and hidden costs to society. The most direct costs are the  
10 high costs of law enforcement, civil and criminal justice, and health  
11 services and other community-based services. Less direct and  
12 visible costs include job turnover, loss of productivity, school  
13 absenteeism, and low performance in school.

14 (g) For more than 30 years, a portion of marriage license fees  
15 have supported domestic violence shelters. However, these fees  
16 have been limited to nonprofit organizations that operate shelter  
17 facilities to house victims. Due to funding reductions to domestic  
18 violence programs and an increasing demand for services, shelters  
19 are unable to partner with community-based organizations that  
20 provide critical services for preventing and stopping domestic  
21 violence, such as education and outreach programs, job  
22 counseling, free legal assistance and filing of restraining orders,  
23 job skills training programs, housing services, and culturally and  
24 linguistically appropriate counseling or assistance.  
25 Community-based domestic violence programs provide critical  
26 support services to domestic violence victims by raising awareness,  
27 which is the first step toward preventing and reducing family  
28 violence and getting the help they need to find stability, health,  
29 well-being, and justice.

30 (h) Domestic violence requires multifaceted intervention that  
31 encourages civil, criminal, health, and social service sectors to  
32 work together to align the objectives, protocols, policies, and  
33 activities of each sector. Achieving the alignment, which requires  
34 governmental oversight and coordination of multiple agencies  
35 involved in domestic violence matters, is an essential link in the  
36 comprehensive effort to eliminate domestic violence.

37 **SECTION 1.**

38 **SEC. 2.** Section 103628.4 is added to the Health and Safety  
39 Code, to read:

103628.4. (a) (1) Except as provided in paragraphs (2) to (4), inclusive, a county board of supervisors, upon making findings and declarations on the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence and the need for funding for ~~nonshelter-based~~ *community-based* domestic violence programs, may authorize a ~~four dollar (\$4) increase~~ *an increase of up to four dollars (\$4)* in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.

(2) Notwithstanding paragraph (1), the Contra Costa County Board of Supervisors, the Alameda County Board of Supervisors, and the City Council of the City of Berkeley, upon making findings and declarations on the need for funding for ~~nonshelter-based~~ *community-based* domestic violence programs, may authorize a ~~two dollar (\$2) increase~~ *an increase of up to two dollars (\$2)* in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.

(3) (A) Until January 1, 2011, notwithstanding paragraph (1), the Solano County Board of Supervisors, upon making findings and declarations on the need for funding for ~~nonshelter-based~~ *community-based* domestic violence programs, may authorize a ~~two dollar (\$2) increase~~ *an increase of up to two dollars (\$2)* in fees imposed for providing certified copies of marriage certificates, birth certificates, fetal death records, and death records.

(B) On and after January 1, 2011, paragraph (1) shall apply with respect to the Solano County Board of Supervisors.

(4) (A) Until January 1, 2015, notwithstanding paragraph (1), the Sonoma County Board of Supervisors, upon making findings and declarations on the need for funding for ~~nonshelter-based~~ *community-based* domestic violence programs, may authorize a ~~two dollar (\$2) increase~~ *an increase of up to two dollars (\$2)* in fees imposed for providing certified copies of marriage certificates, fetal death records, and death records.

(B) On and after January 1, 2015, paragraph (1) shall apply with respect to the Sonoma County Board of Supervisors.

(b) The fee increase authorization for certified copies of vital records pursuant to paragraphs (2) to (4), inclusive, of subdivision (a), with respect to the Contra Costa County Board of Supervisors, the Alameda County Board of Supervisors, the City Council of the City of Berkeley, the Solano County Board of Supervisors,

1 and the Sonoma County Board of Supervisors, shall be in addition  
2 to the fee increase authorization for those counties and that city  
3 pursuant to Sections 103626, 103627, 103628, and 103628.2,  
4 respectively.

5 (c) Revenue from the fees authorized pursuant to subdivision  
6 (a) shall be allocated pursuant to Section 18309.7 of the Welfare  
7 and Institutions Code.

8 (d) If it elects to increase fees pursuant to this section, a county  
9 board of supervisors or the City Council of the City of Berkeley  
10 shall submit to the Assembly and Senate Committees on Judiciary  
11 a report no later than December 31, 2015. The report shall contain  
12 the following information:

13 (1) The annual amounts of funds received and expended from  
14 fee increases.

15 (2) Outcomes achieved as a result of the activities associated  
16 with the implementation of this section.

17 (e) This section shall remain in effect only until January 1, 2016,  
18 and as of that date is repealed.

19 ~~SEC. 2.~~

20 *SEC. 3.* Section 18309.7 is added to the Welfare and Institutions  
21 Code, to read:

22 18309.7. (a) A county board of supervisors shall direct the  
23 local registrar, county recorder, and county clerk to deposit fees  
24 collected pursuant to Section 103628.4 of the Health and Safety  
25 Code into a special fund.

26 (b) Proceeds from the ~~four dollar (\$4)~~ fee increase collected  
27 pursuant to paragraph (1) of subdivision (a) of Section 103628.4  
28 of the Health and Safety Code shall be allocated as follows:

29 (1) ~~Two dollars (\$2)~~ *One half* of the fee for governmental  
30 oversight and coordination of domestic violence and family  
31 violence prevention, intervention, and prosecution efforts among  
32 the court system, the district attorney's office, the public defender's  
33 office, law enforcement, the probation department, mental health,  
34 substance abuse, child welfare services, adult protective services,  
35 and community-based organizations and other agencies working  
36 in the county in order to increase the effectiveness of prevention,  
37 early intervention, and prosecution of domestic and family  
38 violence.

39 (2) ~~Two dollars (\$2)~~ *One half* of the fee for ~~nonshelter-based~~  
40 ~~domestic violence programs that primarily focus on serving~~

1 *nonprofit, community-based organizations that serve domestic*  
2 *violence victims and their families, including, but not limited to,*  
3 *organizations that serve underserved communities, including the*  
4 *lesbian, gay, bisexual, and transgender community, ethnic and*  
5 *racial communities, the disabled community, and the elderly.*

6 (c) Proceeds from the ~~two-dollar (\$2)~~ fee increase collected  
7 pursuant to paragraph (2) of, subparagraph (A) of paragraph (3)  
8 of, and subparagraph (A) of paragraph (4) of, subdivision (a) of  
9 Section 103628.4 of the Health and Safety Code shall be allocated  
10 ~~for nonshelter-based domestic violence programs that primarily~~  
11 ~~focus on serving~~ *nonprofit, community-based organizations that*  
12 *serve domestic violence victims and their families, including, but*  
13 *not limited to, organizations that serve underserved communities,*  
14 *including the lesbian, gay, bisexual, and transgender community,*  
15 *ethnic and racial communities, the disabled community, and the*  
16 *elderly.*

17 (d) Funding available to ~~nonshelter-based domestic violence~~  
18 ~~programs~~ *nonprofit, community-based organizations* pursuant to  
19 paragraph (2) of subdivision (b) and subdivision (c) shall be  
20 awarded to the ~~program~~ *organization* through a competitive request  
21 for proposal process.

22 (e) Prior to using the funds collected pursuant to Section  
23 103628.4 of the Health and Safety Code, the county board of  
24 supervisors or the City Council of the City of Berkeley shall do  
25 both of the following:

26 (1) Provide for public hearings and comment on the specific  
27 manner in which funds are to be used.

28 (2) Confer with its local domestic violence shelter or shelters  
29 before determining the specific manner in which funds are to be  
30 used.

31 (f) This section shall remain in effect only until January 1, 2016,  
32 and as of that date is repealed.